

**OMB NO. 1820-0550**  
**Expires: 12/31/2009**

**ANNUAL STATE APPLICATION UNDER PART C OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FEDERAL FISCAL YEAR 2009**

**CFDA No. 84.181A**

**ED FORM No. 1 B20--26P**

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS  
Washington, DC 20202-2600**

## Section I

### A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1. ☐ The State's policies, procedures, methods, descriptions, and assurances meet all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004 and applicable regulations (IDEA). The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.
- By selecting this submission statement the State has submitted the new and/or revisions to State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.
2. ☒ The State cannot provide policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2010. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' are enclosed with this application.<sup>1</sup>

Optional:

3. ☐ The State is submitting new or modified State policies and procedures previously submitted to the Department and has checked, under Section II.A, the appropriate 'R' cell(s) found in the 'Yes' column. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

### B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

#### 1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Sections II.A and II.B provide documentation of completion of all issues identified in the FFY 2008 conditional approval letter.
- ☒ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2008 conditional approval letter.

#### 2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2008 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2008 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2008 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

<sup>1</sup> If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2010. The State will be granted conditional approval until it can provide all policies, procedures, methods, descriptions, and assurances.

## Section II

### A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of PL 108-446.

Check and enter date(s) as applicable. Enclose relevant documents.			<i>N = 'New' Policy and/or Procedure</i> <i>R = 'Revised' Policy and/or Procedure</i> <i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>	
<b>Yes</b> (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File' with OSEP, check OF.)		<b>No</b> (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
				<b>State Policies and Procedures</b>
	X			1. As required in 20 U.S.C. 1432(5)(A) and 1435(a)(1), the State has provided its policies and/or procedures regarding the State's definition of 'developmental delay' to ensure that a rigorous definition of the term 'developmental delay' will be used by the State in carrying out programs under this Part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this Part.
		X		2. As required in 20 U.S.C. 1437(a)(9)(B), the State has provided its policies and/or procedures to ensure review of the child's program options for the period from the child's third birthday through the remainder of the school year.
			6-30-2010	3. As required in 20 U.S.C. 1437(a)(9)(C), the State has provided its policies and/or procedures to ensure the establishment of a transition plan, including, as appropriate, steps to exit from the program.
			6-30-2010	4. As required in 20 U.S.C. 1437(a)(6), the State has provided its policies and procedures that require the referral for early intervention services under this part of a child under the age of 3 who - (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.

Check and enter date(s) as applicable. Enclose relevant documents.			<i>N = 'New' Policy and/or Procedure</i> <i>R = 'Revised' Policy and/or Procedure</i> <i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>	
<b>Yes</b> (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)		<b>No</b> (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
			6-30-2010	5. As required in 20 U.S.C. 1437(a)(9)(A), the State has provided its policies and procedures that ensures a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under by 20 U.S.C 1435(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how: (i) the families of such toddlers and children will be included in the transition plans required 20 U.S.C. 1437(a)(9)(C); and (ii) the lead agency designated or established under 20 U.S.C. 1435(a)(10) will (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and (III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive.
				<b>Optional Policies/Methods</b> Type in 'NA' for not applicable under 'No' in the cells to the left if the State has not exercised this option.
		X		6. As required in 20 U.S.C. 1437(a)(4), if the State provides services to at-risk infants and toddlers through the statewide system, the State has provided its: 1) description of services to at-risk infants and toddlers, and 2) definition of 'at-risk' under 20 U.S.C. 1432(5)(B)(i).

Check and enter date(s) as applicable. Enclose relevant documents.				<i>N = 'New' Policy and/or Procedure</i> <i>R = 'Revised' Policy and/or Procedure</i> <i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>
<b>Yes</b> (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File' with OSEP, check OF.)		<b>No</b> (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
NA	NA	NA	NA	<i>Enter 'NA' in the cells to the left if the State does not have a system of payment. (See Section IV.A)</i>  7. As required in 20 U.S.C. 1432(4)(B) and 1437(a)(3)(A), the State has provided its policies and/or procedures that identify the State's system of payments for Part C services.
NA	NA	NA	NA	<i>Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check the 'N' cell under the 'Yes' column and attach all policies.</i>  8. As described in 20 U.S.C. 1435(c) the State has provided its policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and previously received services under this part, may choose the continuation of early intervention services (which includes an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.  The statewide system ensures that-- (A) parents of children with disabilities served pursuant to 20 U.S.C. 1435(c) are provided annual notice that contains-- (i) a description of the rights of such parents to elect to receive services pursuant to 20 U.S.C. 1435(c) or under Part B; and (ii) an explanation of the differences between services provided pursuant to 20 U.S.C. 1435(c) and services provided under Part B, including-- (I) types of services and the locations at which the services are provided; (II) applicable procedural safeguards; and (III) possible costs (including any fees to be charged to families as described in 20 U.S.C. 1432(4)(B)), if

Check and enter date(s) as applicable. Enclose relevant documents.			<i>N = 'New' Policy and/or Procedure</i> <i>R = 'Revised' Policy and/or Procedure</i> <i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>	
<b>Yes</b>  (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File' with OSEP', check OF.)		<b>No</b>  (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
				<p>any, to parents of infants or toddlers with disabilities;</p> <p>(B) services provided pursuant to 20 U.S.C. 1435(c) include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills;</p> <p>(C) the State policy will not affect the right of any child served pursuant to 20 U.S.C. 1435(c) to instead receive a free appropriate public education under Part B;</p> <p>(D) all early intervention services outlined in the child's individualized family service plan under 20 U.S.C. 1436 are continued while any eligibility determination is being made for services under 20 U.S.C. 1435(c);</p> <p>(E) the parents of infants or toddlers with disabilities (as defined in 20 U.S.C. 1432(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to 20 U.S.C. 1435(c) for such infants or toddlers;</p> <p>(F) the requirements under 20 U.S.C. 1437(a)(9) shall not apply with respect to a child who is receiving services in accordance with 20 U.S.C. 1435(c) until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and</p> <p>(G) there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act).</p> <p>The State shall submit to the Secretary, in the State's report under 20 U.S.C. 1437(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under 20 U.S.C. 1419 but whose parents choose for such children to continue to receive early intervention services under this part.</p> <p>The policy shall include a description of the funds (including an</p>

Check and enter date(s) as applicable. Enclose relevant documents.			<i>N = 'New' Policy and/or Procedure</i> <i>R = 'Revised' Policy and/or Procedure</i> <i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>	
<b>Yes</b> (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)		<b>No</b> (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
				identification as Federal, State, or local funds) that will be used to ensure that the option described 20 U.S.C. 1435(c)(1) is available to eligible children and families who provide the consent described in 20 U.S.C. 1435(c)(2)(E), including fees (if any) to be charged to families as described in 20 U.S.C. 1432(4)(B).  In accordance with 20 U.S.C. 1435(c)(5)(A), when providing services to a child with a disability who is eligible for services under 20 U.S.C. 1419 the State is not required to provide the child with a free appropriate public education under Part B for the period of time in which the child is receiving services under Part C.
NA	NA	NA	NA	<i>Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check either the 'N' or 'R' cell under the 'Yes' column and attach appropriate written methods. See the Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i>  9. The State has chosen to meet the requirement to establish financial responsibility for early intervention services under 20 U.S.C. 1440(b)(1) through 'appropriate written methods' under 20 U.S.C. 1440(b)(3)(C) other than State statute or regulation or signed interagency agreements.
				<b>Descriptions</b>
		X		10. As required by Section 427 of the General Education Provisions Act (GEPA), the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in Part C.
		X		11. As required in 20 U.S.C. 1437(a)(3)(B), the State has provided a description of early intervention services to be provided to infants and toddlers with disabilities and their families through the statewide system.
	X			12. As required in 20 U.S.C. 1437(a)(5), the State has provided a description of the uses for which funds will be expended in accordance with this part. (See Section III. If the State is

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<b>Yes</b> (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File' with OSEP, check OF.)		<b>No</b> (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)		
<b>N</b>	<b>R</b>	<b>OF</b>		<b>State Policies, Procedures, Methods, and Descriptions</b>
				<i>submitting a completed Section III, check 'N' under the 'Yes' column to the left.)</i>
	X			13. As required in 20 U.S.C. 1437(a)(7) the State has provided a description of the procedures used to ensure that resources are made available under this part for all geographic areas within the State.
	X			14. As required in 20 U.S.C. 1437(a)(8) the State has provided a description of the policies and procedures used to ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities.
			6-30-2010	15. As required in 20 U.S.C. 1437(a)(10) the State has provided a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under Part C.



## B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et.seq.)

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
X		1. As applicable, the assurance found in OMB Standard Form 424(B) (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations is in place.
	6-30-2010	2. The State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and has in effect a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services, for infants and toddlers with disabilities and their families, that meet the requirements of 20 U.S.C 1401, and 1431-1443. <i>See the Optional Technical Assistance Checklist for the full provisions of 1401 and 1432.</i>
	6-30-2010	3. The State has in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families in accordance with 20 U.S.C. 1435(a)(2).
X		4. The State has in effect a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		development of the infant or toddler in accordance with 20 U.S.C. 1435(a)(3).
	6-30-2010	5. For each infant or toddler with a disability in the State, the State has an individualized family service plan in accordance with 20 U.S.C. 1436, including service coordination services in accordance with such service plan. (20 U.S.C. 1435(a)(4)) <i>See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1436.</i>
X		6. The State has a comprehensive child find system, consistent with Part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services. (20 U.S.C. 1435(a)(5))
X		7. The State has a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under 20 U.S.C. 1435(a)(10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under 20 U.S.C. 1419, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities. (20 U.S.C. 1435(a)(6))
X		8. The State has a central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State. (20 U.S.C. 1435(a)(7))
X		9. The State has a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that  (A) includes--

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		<ul style="list-style-type: none"> <li>(i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;</li> <li>(ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and</li> <li>(iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under Part B (other than 20 U.S.C. 1419), to a preschool program receiving funds under 20 U.S.C. 1419, or another appropriate program; and</li> </ul> <p>(B) may include--</p> <ul style="list-style-type: none"> <li>(i) training personnel to work in rural and inner-city areas; and</li> <li>(ii) training personnel in the emotional and social development of young children.</li> </ul> <p>(20 U.S.C. 1435(a)(8)(A) and (B))</p>
	6-30-2010	<p>10. The State has policies and procedures relating to the establishment and maintenance of qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of qualifications that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities. (20 U.S.C. 1432 and 1435(a)(9))</p>
X		<p>11. The State has a single line of responsibility in a lead agency designated or established by the Governor for carrying out -</p> <p>(A) the general administration and supervision of programs and activities receiving assistance under 20 U.S.C. 1433, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are</p>

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		<p>receiving assistance made available under 20 U.S.C. 1433, to ensure that the State complies with this part;</p> <p>(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;</p> <p>(C) the assignment of financial responsibility in accordance with 20 U.S.C. 1437(a)(2) to the appropriate agencies;</p> <p>(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;</p> <p>(E) the resolution of intra- and interagency disputes; and</p> <p>(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination. See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i></p> <p>(20 U.S.C. 1435(a)(10)(A)-(F) and 1440)</p>
X		<p>12. The State has a policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of Part C, including the contents of the application used and the conditions of the contract or other arrangements. (20 U.S.C. 1435(a)(11))</p>
X		<p>13. The State has a procedure for securing timely reimbursements of funds used under this part in accordance with 20 U.S.C. 1440(a). See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i> (20 U.S.C. 1435(a)(12) and 1440)</p>
	6-30-2010	<p>14. The State has procedural safeguards with respect to programs under this part, as required by 20 U.S.C. 1439. (20 U.S.C. 1435(a)(13)) See <i>Optional Technical Assistance Checklist for applicable provisions of 20 U.S.C. 1415 and 1439.</i></p>

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
X		15. The State has a system for compiling data requested by the Secretary under section 618 that relates to this part. (20 U.S.C. 1418, 1435(a)(14) and 1442)
X		16. The State has a State interagency coordinating council that meets the requirements of 20 U.S.C. 1441. (20 U.S.C. 1435(a)(15)) See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1441.</i>
X		17. The State has policies and procedures to ensure that, consistent with 20 U.S.C 1436(d)(5): A) to the maximum extent appropriate, early intervention services are provided in natural environments; and B) the provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. (20 U.S.C. 1435(a)(16))
X		18. The State ensures that Federal funds made available under 20 U.S.C. 1443 will be expended in accordance with this part. (20 U.S.C. 1437(b)(1) and 1438)
X		19. The State ensures that it has methods in place to comply with the requirements of 20 U.S.C. 1440. (20 U.S.C. 1437(b)(2)) <i>State's response should be consistent with Certification #3 below.</i>
X		20. The State ensures that the control of funds provided under 20 U.S.C. 1443, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property. (20 U.S.C. 1437(b)(3))
X		21. The State ensures that provisions shall be made for-- (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and (B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal

Check and enter date(s) as applicable		<b>Assurances</b> (20 U.S.C. 1434;1435; and 1437(b))
<b>Yes</b> (Assurance is hereby provided.)	<b>No</b> (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		funds under this part. (20 U.S.C. 1437(b)(4))
X		22. The State ensures that the Federal funds made available under 20 U.S.C. 1443 to the State-- (A) will not be commingled with State funds; and (B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (20 U.S.C. 1437(b)(5))
X		23. The State ensures that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 20 U.S.C. 1443 to the State. (20 U.S.C. 1437(b)(6))
X		24. The State ensures that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of Part C. (20 U.S.C. 1437(b)(7))
X		25. The State assures that it shall provide other information and assurances as the Secretary may reasonably require by regulation. (20 U.S.C. 1437(b)(8).
		<b>Optional Assurance</b>
NA	NA	<p><i>Enter 'NA' in the cells to the left if this assurance is not applicable.</i></p> <p>26. The State has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in 20 U.S.C. 1435(a)(9). (20 U.S.C. 1435(b))</p>

### C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	<p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
X	<p>3. The State certifies that the methods or arrangements to establish financial responsibility for early intervention services provided under Part C pursuant to 20 U.S.C. 1440(b) are current as of the date of this Application certification. (20 U.S.C. 1437(a)(2) and 1440). <i>See Item 9 in Section II.A above regarding including, with this Application for the Secretary's review, 'other appropriate written methods' to meet the requirements of 20 U.S.C. 1440(b). State's response under Assurance #19 above should be consistent with its response to this Certification.</i></p>

#### D. Statement

I certify that the State of Michigan has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.

If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2010. (34 CFR §76.104)

I, the undersigned authorized official of the

Michigan – Michigan Department of Education,

(Name of State and official name of State lead agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2009 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Michael P. Flanagan, Superintendent of Public Instruction

Signature:

Date:



### Section III

#### A. Description of Use of Part C Funds for the Lead Agency

When completing this section include:

- Totals for the number of lead agency administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds	0			
< 100% funded with Part C Funds	11	3 @ 15% 2 @ 20% 1 @ 40% 2 @ 50% 3 @ 70%	49,408 22,494 102,462 38,635 180,874	Provide general supervision for Michigan Part C of IDEA.
<b>Subtotal of amount under A:</b>			\$393,873	

### Section III (Continued)

#### B. Maintenance and Implementation Activities for the Lead Agency

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services. Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

(Add columns and rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Comprehensive System of Personnel Development (CSPD) Training and Technical Assistance	\$706,742	Statewide regional training and technical assistance and support for state monitoring of Part C systems.
Public Awareness, Information, and Referral	\$477,660	Provide support, public awareness, information referral and the central directory.
Parent Involvement/Leadership Support	\$93,426	Provide parent leadership involvement and development support for the Michigan Interagency Coordinating Council and other entities throughout the early intervention system.
Qualitative Compliance Information	\$344,731	Conducts evaluation of various early intervention system components and provides support for the Part C monitoring system.
Data Collection	\$150,320	Collection of 618 data as required by law.
<b>Subtotal of amount under B:</b>	<b>\$1,772,879</b>	

### Section III (Continued)

#### C. Description of Use of Part C Funds for the Interagency Coordinating Council (ICC)

When completing this section include:

- Totals for the number of ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Amount of Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds				
< 100% funded with Part C Funds				One employee designated for ICC activities.
<b>Subtotal of amount under C:</b>				

### Section III (Continued)

#### D. Maintenance and Implementation Activities for the Interagency Coordinating Council (ICC)

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services. Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the SICC;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

*(Add columns and rows as needed.)*

Major Activity	Part C Funds to be Spent	Description of Activities
Michigan Interagency Coordinating Council (MICC) & MICC subcommittees	\$25,000	MICC support
MICC Parent Support		See Parent Involvement/Leadership in B
<b>Subtotal of amount under D:</b>	\$25,000	

### Section III (Continued)

#### E. Direct Services (Funded by Part C Federal Dollars)

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with funds under this part, including a description of any services provided to at-risk infants and toddlers and their families for States that provide services to at-risk children as part of its eligibility criteria. The description must include information about each type of service to be provided, including:
  - A summary of the methods to be used to provide the service (e.g., contracts or other arrangements with specified public or private organizations); and
  - The approximate amount of funds under this part to be used for the direct provision of early intervention services.

Provide subtotals of the amount and for salaries and fringe benefits for direct service employees (discipline). *(Add columns and rows as needed.)*

Direct Service	Part C Funds to be Spent	Summary of Methods to be Used to Provide Service
Part C Local Administration	\$3,208,018	Part C funds for direct services are contracted through intermediate school districts. The contract includes a local spending plan for use of Part C funds.
Service Coordination 303.33	2,564,824	"
Instructional Services 303.13(b)11	556,551	"
Health Services 303.16	71,211	"
Medical Services 303.13(b)(5)	2,725	"
Nursing Services	69,345	"
Nutritional Services	2,656	"
Occupational Therapy 303.13(b)(6)	305,609	"
Physical Therapy 303.13(b)(7)	85,122	"
Mental Health Services	14,905	"
Psychological Services 303.13(b)(8)	10,689	"
Audiology 303.13(b)(2)	440	"

Speech/Language Pathology 303.13(b)(12)	268,782	“
Social Work 303.13(b)(10)	416,654	“
Visual Aid Services 303.13(b)(14)	1,328	“
Teacher Consultant	42,399	“
Assistive Technology 303.13(b)(1)	13,819	“
Transportation 303.13(b)(13)	3,187	“
Family Training & Counseling 303.13(b)(3)	2,161,047	“
Payor of Last Resort	69,189	“
<b>Subtotal of amount under E:</b>	<b>\$9,868,500</b>	

<b>Direct Service Employees (Discipline)</b>	<b>Salary and Fringe</b>	<b>% Part C</b>	<b>Description of Duties</b>
			NA
<b>Sub Total:</b>			

### Section III (Continued)

#### F. Description of Optional Use of Part C Funds (For States that Do Not Provide Direct Service for At-Risk Infants and Toddlers)

For any State that does not provide direct services for at-risk infants and toddlers under 20 U.S.C. 1437(a)(4), but chooses to use funds under 20 U.S.C. 1438(5), each Application must include a description of how these funds will be used. Specifically, a State may use Part C funds for initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, or personnel for the purpose of:

- Identifying and evaluating at-risk infants and toddlers;
- Making referrals of at-risk infants and toddlers who are identified and evaluated; and
- Conducting periodic follow-up on at-risk infants and toddlers to determine if the status of the infant or toddler's eligibility for Part C services has changed.

Provide a subtotal of the amount. *(Add columns and rows as needed.)*

Description of Activity	Amount of Funds
NA	NA
<b>Subtotal of amount under F:</b>	

### Section III (Continued)

#### G. Activities by Other Agencies

If other State or local public agencies are to receive a portion of the Federal funds under Part C, the Application must include:

- The name of each public agency expected to receive funds;
- The approximate amount of funds each public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. *(Add columns and rows as needed.)*

Agency Receiving Funds	Amount of Funds	Purpose
Michigan Department of Community Health	\$149,415	Provide ongoing support to local and regional early intervention service providers and promotion of Part C policies and procedures.
Michigan Department of Human Services	\$74,709	Provide ongoing support to local and regional early intervention service providers and promotion of Part C policies and procedures.
Michigan Inter-Tribal Council	\$24,120	Provide support to connect Inter-Tribal Council members to the state early intervention system.
<b>Subtotal of amount under G:</b>	<b>\$248,244</b>	



**Section III (Continued)****H. Totals**

Enter the subtotal amounts for Sub Sections A-G found in Section III and any indirect costs charged as specified in Section IV.B. The sub total amounts (Rows 1-8) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Enter the subtotal amounts for Sub Sections A-G found in Section III of this application.		
Row No.	Section	Amount
1.	III.A.	\$393,873
2.	III.B.	\$1,772,879
3.	III.C.	\$0
4.	III.D.	\$25,000
5.	III.E. (Direct Service)	\$9,868,500
	III.E. (Direct Service Employees)	\$0
6.	III.F.	\$0
7.	III.G.	\$248,244
Enter any Indirect Costs Charged (See Section IV.B of this application.)		
8.	IV.B	\$11,728
<b>Total (Rows 1-8)</b>		<b>\$12,320,224</b>

## Section IV

### A. System of Payments / Use of Insurance / Program Income

The State

\_\_\_\_\_ does (check as applicable)

\_\_\_X\_\_\_ does not (check as applicable)

have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public and/or private insurance or family fees, such as a sliding scale. Any family fees are treated as 'program income' for purposes of 34 CFR §80.25 and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B). *Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 7 in Section II.A above.*

### B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

(Note: To be completed if Lead Agency is not a State Educational Agency.)

If the lead agency is not a State educational agency (as well as any outlying areas that have the Department of Interior as its cognizant Federal agency, even if an SEA) check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

\_\_\_\_\_ The lead agency has a final restricted indirect cost rate or cost allocation plan that has been approved by the State lead agency's cognizant Federal agency and is in effect for this Federal fiscal year (FFY) (ending on June 30, 2010). (Attach a copy of the approved restricted indirect cost rate agreement or cost allocation plan.)

\_\_\_\_\_ The lead agency has either a provisional or final restricted indirect cost rate or cost allocation plan that expires or expired on \_\_\_\_\_ and the State is in the process of negotiating a new restricted indirect cost rate agreement or cost allocation plan that will be in effect for the period \_\_\_\_\_.<sup>2</sup> The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate or cost allocation plan until a new rate or plan is negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (Attach a copy of the previously approved restricted indirect cost rate agreement or cost allocation plan.)

\_\_\_\_\_ No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

\_\_\_\_\_ Other, explanation attached.

<sup>2</sup> A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

Appendix  
to FFY 2009 Part C Annual State Application

Revised Definition of Eligibility for Infants and Toddlers under  
Part C of the Individuals with Disabilities Education Act as Amended in 2004

**Zallman, Steve (MDE)**

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**From:** Schulze, Lori (MDE)  
**Sent:** Friday, October 26, 2007 12:45 PM  
**To:** SE-COP@listserv.michigan.gov; SE-APPCONTACTS@listserv.michigan.gov; SESPAC@listserv.michigan.gov; MSEMP@listserv.michigan.gov; SESEAC@listserv.michigan.gov; SETEACH@listserv.michigan.gov; SE-TOP@listserv.michigan.gov; SEWHATSNEW@listserv.michigan.gov; SE-ED-Interpreters@listserv.michigan.gov; MDOE\_SE-ASD@listserv.michigan.gov; SEPLANER@listserv.michigan.gov; SE-CIMSADVISORY@listserv.michigan.gov; SEPARANT@listserv.michigan.gov; SEIHE@listserv.michigan.gov; SE-TRANCONTACTS@listserv.michigan.gov; SE-MITRANSRES@listserv.michigan.gov; SE-Locals@listserv.michigan.gov; SE-MAPDIRECTORS@listserv.michigan.gov; SE-ISDD@listserv.michigan.gov  
**Subject:** Public Hearing Notice for Special Education Documents - Comments Accepted Until Dec. 28, 2007  
**Importance:** High

**Michigan Department of Education  
NOTICE OF PUBLIC HEARING**

The Michigan Department of Education, Office of Special Education and Early Intervention Services will conduct public hearings to receive public comment on the following proposed documents:

- Extended School Year Services in Michigan: Standards and Guidance for Educators, Service Providers, and Families
- Resolving Special Education Disputes, Including Special Education Complaint Investigation Procedures
- Part C Proposed State Eligibility Definition and Development of IFSP Timelines

The proposed documents are attached to this email and are accessible on the OSE-EIS Web site at [www.michigan.gov/ose-eis](http://www.michigan.gov/ose-eis) under "Spotlight".

Public hearings for the documents will be held at the following sites:

**Monday, November 5, 2007** - 9:00-11:00 a.m. and 6:00-8:00 p.m.

**Kent Career/Technical Center**

1655 East Beltline N.E.  
Grand Rapids, Michigan 49525  
616-364-8421

**Tuesday, November 6, 2007** - 5:00-7:00 p.m.

**Wednesday, November 7, 2007** - 9:00-11:00 a.m.

**University Center**

80 Livingston Boulevard  
Gaylord, Michigan 49735  
989-705-3700

**Tuesday, November 6, 2007** - 6:00-8:00 p.m.

**Wednesday, November 7, 2007** - 9:00-11:00 a.m.

**Lawrence Technological University, UTLC Gallery**

21000 W. 10 Mile Road  
Southfield, Michigan 48075

248-204-4000

**Tuesday, November 13, 2007** - 6:00-8:00 p.m.

**Wednesday, November 14, 2007** - 9:00-11:00 a.m.

**Clinton County RESA**

1013 S U.S. Highway 27, Suite A

St. Johns, Michigan 48879

989-224-6831

Oral or written comment may be presented in person at the hearing or submitted in writing by mail, e-mail, or facsimile no later than **5:00 p.m., December 28, 2007**. All comments will be reviewed and considered in the final version of the documents. Comments may be submitted to:

Public Comment, Office of Special Education and Early Intervention Services

Michigan Department of Education

P.O. Box 30008

Lansing, MI 48909

Email: [omansa@michigan.gov](mailto:omansa@michigan.gov) or fax: 517-373-7504

If special accommodations are needed to participate in the public hearings, please contact Meredith Hines at 517-373-0924 or email [himesm@michigan.gov](mailto:himesm@michigan.gov) by November 1, 2007.

**Lori Schulze**

Michigan Department of Education

Office of Special Education and Early Intervention Services

(517) 335-0458

[www.michigan.gov/ose-eis](http://www.michigan.gov/ose-eis)

## **Proposed Revisions to the Michigan State Plan for Part C**

### **Sec. 303.300 State Eligibility Criteria**

#### **Established Conditions**

- A. Children with established conditions are those from birth through age two who have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.
- B. The categories of established conditions include (but are not limited to):
1. Congenital Anomalies
  2. Chromosomal Anomalies
  3. Infectious Conditions
  4. Endocrine/Metabolic Disorders
  5. Other Diseases
  6. Hearing Deficiency
  7. Other Fetal/Placental Anomalies
  8. Exposures Affecting Fetus
  9. Chronic Illness
  10. Developmental Disorders
  11. Mental Health Conditions
- C. Eligibility for *Early On* based upon an Established Condition will be determined:
1. Jointly by a multidisciplinary team consisting of at least two or more qualified professionals representing different disciplines.
  2. Based on review of documentation of the diagnosis provided by a health or mental health care provider who is qualified to make that diagnosis.

#### **Developmental Delay**

- A. Developmental Delay is defined as follows:

Age	Percent delay
Up to 2 months* old	Any delay
2-36* months old	20% delay in 1 or more areas of development (or a score of 1 Standard Deviation below the mean)

\* adjust for prematurity through chronological age of 24 months

## **Sec. 303.322 Evaluation and Assessment**

### **Eligibility Determination**

Eligibility determination refers to the collection of activities that lead to determining if a child is eligible for *Early On*. There are three (3) components to eligibility determination:

- Referral
- Orientation and intake
- Eligibility determination (including adjusting for prematurity)

### **Referral**

Referral is the process by which the local Part C agency is notified of a suspected developmental delay or established condition for an infant or toddler, birth to age three. Notification is provided to a designated agency, which is defined as an agency that is responsible for receiving referrals (typically the intermediate school district). The federal timeline begins with this notification. Upon receiving a referral, *Early On* will:

- Enter basic referral information into the *Early On* data system. This information will help *Early On* to manage all referrals and to assess the success of its child find efforts.
- Acknowledge receipt of the referral in writing to primary referral sources (as defined in IDEA). This will ensure referral sources that their referral has been received, and assist in developing a collaborative relationship between *Early On* and its collaborative partners.
- Notify the family of the referral within 10 calendar days of the receipt of the referral by *Early On*.
- Request the family's informed consent to begin the eligibility determination process.
- Schedule an appointment with the family to begin the eligibility determination process.

### **Orientation and Intake**

Orientation and intake is the process of providing the family with information about *Early On* and gathering information that will be used to make a determination of eligibility. During the orientation and intake process, the following actions will occur:

- *Early On* will provide parents with information about *Early On*, both verbally and in writing. This will include information about their family rights (procedural safeguards) so that they can be informed about the process and their rights and responsibilities prior to moving forward. When requesting informed consent, biological or adoptive parents must be presumed to be the parent for the purposes of *Early On* (see procedural safeguards section for exceptions).
- Parents will decide if they would like to proceed, and if so, provide informed consent to proceed with the eligibility determination process.



## **Sec. 303.342 Procedures for IFSP Development, Review, and Evaluation**

### **IFSP Development**

IFSP development is the process of convening the meetings needed to develop, obtain consent to, and implement the IFSP.

- Once the information to inform the development of the IFSP is gathered and participants are notified of the meeting (seven day notice), the initial IFSP meeting and any additional meetings (in the event that the IFSP is not developed in the course of one meeting) will take place.
- During the course of the IFSP meetings, the child outcomes entry rating will be completed with parent input.
- Upon completion of the IFSP, the parents will provide informed, written consent to proceed and implement the IFSP.
- With family consent, the service coordinator will notify the primary referral source of the disposition of the referral, and the eligibility determination and IFSP development process.
- All services listed on the IFSP will begin within 30 days of parental consent to the IFSP.
- The service coordinator will assist the family to implement the IFSP.

The initial IFSP meeting is a discussion between the service coordinator, the parent/parents of the child, other family members, as requested, an advocate or person outside of the family, if the parent requests that the person participate, a person or persons directly involved in conducting the evaluations and assessments, and, as appropriate, persons who will be providing services to the child or the family. If a person or persons directly involved in conducting evaluations and assessments and/or persons who will be providing services to the child or family are unable to attend the initial IFSP meeting, arrangements must be made for the person's involvement through other means, including participating in a telephone conference call, having a knowledgeable authorized representative attend the meeting or making pertinent records available at the meeting.

The meeting shall address (1) child's present level of physical development (including vision, hearing, and health status), cognitive development, communication development, social and emotional development, and adaptive development; (2) family's resources, priorities and concerns related to their child's development; (3) major outcomes expected to be achieved for the child and family that can be identified at the initial IFSP meeting; (4) early intervention services and supports that can be identified at the initial IFSP meeting necessary to meet the unique needs of the child and family in achieving the identified expected outcomes along with the service dates and duration; (5) other services the child may be receiving, as appropriate; (6) service coordinator's name; and (7) a plan for the child's transition from Part C services to other programs.

## **Public Comment Decisions and Responses**

### General

#### Comments:

Many who commented urged Michigan to adopt policies described in the proposed regulations for IDEA 2004 or to wait until those regulations are finalized before updating the Michigan State Plan.

#### Final Changes:

Michigan is going forward with updating the Michigan State Plan.

#### Rationale:

Michigan may not adopt new policies from the proposed regulations until final regulations are provided by the Office of Special Education Programs (OSEP). However, Michigan has received guidance from OSEP that the Michigan State Plan should be updated now, without waiting for final IDEA 2004 Part C regulations. Throughout the final document Michigan will differentiate federal requirements from best practice to guide the field.

### Established Conditions

#### Comments:

Some who commented urged Michigan to retain the current list of Established Conditions, while others suggested additions to the proposed list to make it more complete.

#### Final Changes:

Michigan has decided to adopt the proposed list of categories with the following edits:

- 6. Sensory Disorders including Hearing and/or Vision Deficiencies, and
- 12. Neurological Disorders.

#### Rationale:

The Established Conditions list has been updated to reflect current terminology and to clarify that Mental Health Conditions have a high probability of leading to developmental delay. However, the overall intent of the list is not changed with these updates. Additional guidance regarding the final list of Established Conditions will be developed and will include examples.

Michigan agrees with comments indicating that Vision Deficiencies have a high probability of leading to a developmental delay and feels that the addition of that language adds clarity to the list.

Finally, based upon guidance from Note 1 under 34 CFR §303.16, which describes possible established conditions, Michigan has decided to retain the category, Neurological Disorders.

### Eligibility Criteria

#### Comments:

Commenters suggested both that the new eligibility definition be accepted and that it be denied. Additionally, suggestions were made to change the percent delay to 25 percent and to remove the instructions to adjust for prematurity and use the 20 percent delay standard for all children.

#### Final Changes:

The proposed eligibility criteria will be adopted as proposed.

#### Rationale:

Data from other states show little change in identification rates when a percent delay less than 25 percent is adopted. The definition of normal development encompasses a delay of up to 17 percent or 1 Standard Deviation below the mean. For clarification, the proposed eligibility definition will apply only to children referred to *Early On*® after the adoption of these rules.

Research shows that premature children typically attain the range of normal development within 24 months of birth; therefore, the preferred practice is to continue to adjust for prematurity until that age.

### Informed Clinical Opinion

#### Comments:

Commenters remarked that the definition for Informed Clinical Opinion was not clear and suggested adopting the NECTAC definition.

#### Final Changes:

The Michigan State Plan will include, in the Definitions section, the NECTAC definition of Informed Clinical Opinion. That definition will be referred to throughout the document.

#### Rationale:

Michigan agrees that the use of the NECTAC definition of Informed Clinical Opinion adds clarity for service areas when utilizing that process.

### Referral

#### Comments:

Commenters remarked that some language in this section could be confusing, particularly the use of the word 'referral.' Additionally, commenters suggested inserting the actual timelines referred to in the document. Finally, commenters felt that requiring written acknowledgement of referral to the referral source would exceed the federal requirements and dictate additional paperwork.

#### Final Changes:

Michigan will leave the word 'referral' in the Michigan State Plan as written in the Proposed Revisions. The actual timelines referred to in the Michigan State Plan will be added wherever they are referenced. The requirement to notify primary referral sources of referrals received will be changed by taking out the term 'in writing.'

Rationale:

The term 'referral' is defined in the Definition section of the Michigan State Plan. Additional guidance will be developed and distributed to help to clarify exactly what constitutes a referral. The suggestion to include the actual timeline when referring to it has been adopted to provide clarity to the Michigan State Plan. Although immediate acknowledgement of a referral is shown to increase referrals (Dunst & Gorman, 2006), consideration of the comments made regarding the additional burden of providing notification in writing convinced Michigan that alternate methods of notification could suffice.

Orientation and Intake

Comments:

Commenters found parts of this section of the Michigan State Plan confusing.

Final Changes:

The following changes were made to the Michigan State Plan: Michigan will provide more guidance on who may sign consent forms; specifically, when a child is living with his/her biological or adoptive parent, it must be presumed that they have the authority to give consent, unless legal documentation exists that states otherwise. Clarification was made that a parent may sign the Authorization to Share Form. The last two bullets in this section were moved to the section titled: Eligibility Determination.

Rationale:

Michigan made changes based on comments to add clarity to the Michigan State Plan.

Eligibility Determination

Comments:

Commenters found parts of the Eligibility Determination section confusing. Suggestions included moving the last two bullets of Orientation and Intake to the Eligibility Determination section.

Final Changes:

After reviewing comments, Michigan moved the last two bullets under the Orientation and Intake section of the Michigan State Plan to the Eligibility Determination section. Additional edits made for clarity include: providing examples of documentation that can be used to help determine eligibility and adding clarification regarding the need to collect information on all five developmental areas for every child.

Rationale:

Michigan made changes based on comments to add clarity to the Michigan State Plan.

## IFSP Development

### Comments:

Commenters suggested alternate language for referring to the initial IFSP meeting. Concerns with the alignment of the Child Outcomes Summary Form completion with the development of the IFSP were raised. Commenters also noted that important information regarding the IFSP was missing from the Proposed Revisions.

### Changes:

The language regarding the initial IFSP meeting and the completion of the assessment of each child's present level of functioning is taken from regulations and guidance from OSEP and will be adopted as proposed. Michigan acknowledges that all requirements related to the development, review, and evaluation of an IFSP are not included in the Proposed Revisions.

### Rationale:

Current regulations require an 'initial IFSP meeting' be conducted within 45 days of referral to Part C and defines what must happen at that meeting. Michigan will utilize that same language to ensure alignment between the federal regulations and the Michigan State Plan.

OSEP guidance requires that each child's present level of functioning be assessed at entry into Part C. It is included in the IFSP Development section of the Michigan State Plan to acknowledge that it must be completed during the same time as the first IFSP is being developed. The bullets included in this section, however, are not meant to be strictly sequential.

All requirements related to the development and implementation of an IFSP were not included in the Proposed Revisions as only sections with revisions were published for public comment. These sections will be inserted into the existing Michigan State Plan.

**Michigan Interagency Coordinating Council (MICC)**  
**EARLY ON® MICHIGAN (PART C OF IDEA)**  
**Friday, May 9, 2008**  
**Michigan Department of Education**  
**State Board of Education Room**

**Minutes**

**Members Present:** Keith Alexander, Honorable Brenda Clack, Sr. Barbara Cline, Barbara Corbin, Sheri Falvay, Laura Jensen Hunt, Julie Lagos, Mark Larson, Mac Miller, Joan Moiles, Emilie Mullins, Mark Reigle, Mary Roberts, Sally Vaughn

**Alternates Present:** Lindy Buch, Connie Cullip, Ted Forrest, Lori Irish

**Staff Present:** Jessica Brady, Reneé DeMars-Johnson, Sharon Dietrich, Brenda Fink, Michele McManus, Cheryl Najm, Nancy Peeler, Barb Schinderle, Vanessa Winborne

**Grantees Present:** *Early On* Training and Technical Assistance:  
Christy Callahan  
Michigan Alliance for Family Involvement:  
Santee Koski

**Guests:** Ken Roberts

**Call to Order:** Chairperson Mark Larson called the meeting to order at 9:30 a.m.

**Introductions:** Introductions were made and everyone was welcomed.

**Approval of Minutes:**

**A motion was made by Sheri Falvay and supported by Joan Moiles to approve the minutes. Motion carried.**

**Approval of Agenda:** The Redesign update will be given after the Parent Support Ad Hoc Committee report.

**A motion was made by Sheri Falvay and supported by Keith Alexander to approve the amended agenda. Motion carried.**

**Public Comment:**

Mark Larson read public comment submitted electronically on behalf of Rich Van Tol, Director of Early Childhood & Parenting Services, Saginaw Intermediate School District. Mr. Van Tol's comments were regarding decreased funds and the difficulty in providing services.

Vanessa Winborne responded that the budget discussion will go into more detail about the funding issue, and Mr. Van Tol could be invited to participate on the proposed Budget Ad Hoc Committee.

**Election of Co-Chair and Secretary:**

Julie Lagos was elected MICC Co-Chair and Laura Jensen Hunt was elected MICC Secretary.

Julie is the parent of five children and her youngest received *Early On* services. She lives in Macomb County, has served on her Local Interagency Coordinating Council (LICC), has been an MICC alternate for five years, and currently works part time as a family liaison for Macomb ISD.

Laura has four children, one of which received *Early On* services. She resides in Genesee County, sits on her LICC, and has been involved with Redesign and various subcommittees in the *Early On* system at the state level for five years.

**A motion was made by Mac Miller to accept Julie Lagos as MICC Co-Chair and Laura Jensen Hunt as MICC secretary. Sheri Falvay supported the motion. Motion carried.**

**Parent Involvement Committee Charge:**

The Parent Involvement Committee met in April and welcomed its new members. The members reviewed the charge, and in doing so, suggested a few changes. Julie Lagos shared some of the changes with the Council. Council members thought the charge was clearer with the changes.

**A motion was made by Sheri Falvay and supported by Mac Miller to accept the new charge. Motion carried.**

**Parent Support Ad Hoc Report:**

At the February MICC meeting, Council members charged an Ad Hoc Committee to review the current and past parent support policies and make a recommendation about how parent members of the MICC would be reimbursed.

The Committee met in March and recommended reinstating the old policy, as outlined in the Financial Support document, which includes paying parents \$15.37 per hour, including travel time, \$.485 per mile, and up to \$50.00 for child care based on actual expenses. Participants recognized the need for strategies for securing additional funds. For the remainder of this current year, the Michigan Alliance for Families will amend their budget and move \$2,000 into the parent budget line. This is possible since they are still in the implementation stage, but once the grant expands and covers more regions across the state, a greater amount of funding will be needed for implementation. Additional cost saving measures for this year include holding one less Parent Involvement Committee meeting, and the Executive Committee will meet by conference call rather than face to face.

Beginning October 1, 2008, additional funding will be needed in the parent budget to maintain this recommendation. The MICC will discuss the *Early On* budget and form an Ad Hoc Budget Committee to help prioritize funding for supporting parents.

**A motion was made by Sheri Falvay and supported by Keith Alexander to accept the recommendations from the Parent Support Ad Hoc committee.**

**Discussion:**

Members agreed that a flat rate was not equitable for parents that live a greater distance from Lansing, where the meetings are held.

Members would like to explore the budget further to ensure that cuts are not made to the local ISDs.

**Motion carried.**

**Redesign Update:**

Lindy Buch gave a Redesign presentation on behalf of the Management Team, which includes Sheri Falvay, Brenda Fink, Mary Mehren, and herself. The Management Team meets monthly and is charged with implementing the steps of Redesign.

Redesign was done in an effort to identify where *Early On* was, where it needed to go and how it would get there.

A consultant was hired to facilitate the Redesign process, which was adopted from the book The Price of Government, and the steps include:

- *Identify Key Causes and Forces*
- *Determine Eligible Population*
- *Identify Funding Pool*
- *Define Results*
- *Allocate Resources*
- *Convene Results Teams*
- *Develop Purchasing Plan*
- *Create Strategic Plan and Budget*

To date, the following steps are completed: *Identify Key Causes and Forces*, *Define Results*, and *Convene Results Teams*.

*Determining the Eligible Population* is going through the approval process. An Eligible Population Task Force was convened and recommended changing the eligibility requirement from 'any delay' to a 20 percent delay in one or more developmental areas, adjusting for prematurity up to 24 months. This recommendation went out for public comment and will now be submitted to the Office of Special Education Programs (OSEP) for approval.

In an effort to *Identify Funding Pool*, a Fiscal study was completed, and suggested *Early On* needs more funding streams. There are insufficient federal funds to serve *Early On*, and the



funds are expected to decrease again this year due to declining birth rate. Michigan is waiting for changes at the federal level to occur regarding Medicaid before proceeding on this.

The Ad Hoc Budget Committee will offer guidance on how best to *Allocate Resources*.

In order to *Develop a Purchasing Plan*, Michigan has little flexibility because there are many federal requirements that must be in place.

The MICC will make recommendations to *Create a Strategic Plan and Budget*.

Moving Forward:

- MDE will remain the lead agency.
- MICC is reconfigured with new appointments.
- Interagency management structure is progressing.
- Clarification of partner agencies is ongoing.
- Compliance is the key priority; accountability is required at all levels.
- Redesign is complete, *Early On* moves on with new vigor.

**Discussion:**

Compliance is the top priority, but it goes hand in hand with services to children and families. Compliance is there to assure the process achieves results for children and families, they are not separate.

*Early On* is not the only entity faced with hard economic times, which involves doing more with less money.

A concern was shared that Redesign did not deal with the issue of serving too many children with not enough resources. Some feel *Early On* needs to either find more money or serve a smaller group of children and serve them well.

Representative Brenda Clack encouraged the Council to link with people on the Appropriations Committee including the Appropriations chair. By strengthening the relationship and networking, sometimes financial issues can be resolved.

**Budgeting for *Early On* Presentation:**

Vanessa Winborne shared a budget presentation with the Council which entailed how federal funds are spent and the history of spending for the past three fiscal years. The federal requirements for Michigan's *Early On* system include:

- Direct services to children and families, by distributing funds to the 57 ISDs;
- Statewide grants, including Child Find/Referral, Public Awareness, Central Directory and Comprehensive System of Personnel Development; and
- Administration of the federal grant which includes MDE as lead agency, MICC meetings, and General Supervision.

The Office of Special Education and Early Intervention Services at MDE provides many in-kind contributions to *Early On*, which are the Data system, Dispute resolutions, Complaints and Hearings and the contract for the MICC Liaison.

Discretionary funds are given to the Michigan Alliance for Families and Parent Leadership in State Government to support parent leadership activities; and also to the Department of Community Health, Department of Human Services, and the Inter-Tribal Council of Michigan. These funds help to coordinate the infrastructure of the *Early On* system.

The history of spending was discussed and although federal funds have decreased each year, MDE has tried to maintain the same percentage of money distributed to the field. Of the approximately 11 million dollars given to the ISDs each year, all of the funds are spent.

**A motion was made by Mac Miller and supported by Sr. Barbara Cline to develop an Ad Hoc Budget Committee to (A) Look at the budget in detail and recommend and prioritize how to allocate the federal funds, and (B) Review the current funding formula for ISDs and perhaps propose a new formula.**

**Discussion/Comments:**

By tightening the definition of eligibility to 20 percent, a question was asked if fewer children would be referred to *Early On* for services. The Eligible Population Task Force researched this and found that most evaluation tools do not pick up a delay until a child is approximately 17 percent behind, therefore, by moving to a 20 percent delay, it would provide greater equity across the state.

Parents would be included on the Budget Committee, as well as representatives from both large and small ISDs.

A goal of networking with the Appropriations Committee would be a goal for the Budget Committee as well.

For some ISDs, the federal allocation is the only money used to provide direct services to children and families.

The federal application was submitted to OSEP recently. ISDs received an estimate of what their award will be.

The Budget Committee will report to the MICC at the September meeting.

**Motion carried.**

A sign up sheet was passed around for members to sign up to be part of the Ad Hoc Budget Committee.

**Updates:***Annual Performance Report (APR)*

The APR was submitted in February. In April, OSEP provided a brief opportunity for states to submit clarification for the APR, which Michigan took advantage of. The revised APR will be posted on MDE's website ([www.michigan.gov/mde](http://www.michigan.gov/mde)).

*Public Reporting*

Public reporting is in the second year. MDE is required to report how each local early intervention program is performing on Indicators 1-8. This report will be coordinated with MDE's Communications office and the Office of Special Education and Early Intervention Services (OSE-EIS) and is expected out in early July.

*Determinations*

Determinations will be done by this fall and will include auditing needs, timely and valid reliable data for all local programs, as well as the percentage of uncorrected noncompliance.

Mac Miller shared that Livingston County is creating an electronic IFSP which will be useful in state reporting and management activities. More information will be shared as this project is completed and may serve as a model for the state.

*OSEP Letter Follow up*

The MICC received a copy of the letter from OSEP regarding feedback from the verification visit held in November 2007. The most critical issue for Michigan is the maintenance of effort that must be shown for Part C.

**Report on Public Comments Received:**

Vanessa Winborne distributed and spoke of the public comments received and MDE's response and decision for each comment.

The Established Conditions list has been updated to reflect current terminology and clarify that Mental Health conditions have a high probability of leading to developmental delay. Additional guidance regarding the final list of Established Conditions will be developed and will include examples.

Michigan agrees with comments indicating that Vision Deficiencies have a high probability of leading to a developmental delay and feels that the addition of that language adds clarity to the list.

Based upon guidance from Note 1 under 34 CFR §303.16, which describes possible established conditions, Michigan has decided to retain the category, Neurological Disorders.

The proposed Eligibility Criteria will be adopted and sent to OSEP for approval. Data from other states show little change in identification rates when a percent delay less than 25 percent is adopted. The definition of normal development encompasses a delay of up to 17 percent or 1 Standard Deviation below the mean. For clarification, the proposed eligibility definition will apply only to children referred to *Early On* after the adoption of these rules.

Research shows that premature children typically attain the range of normal development within 24 months of birth; therefore, the preferred practice is to continue to adjust for pre-maturity until that age.

The final Part C Regulations have not been released; however, more changes may possibly be incorporated into the State Plan to align with the Regulations.

#### **Social Emotional Pilot Report:**

Sheri Falvay shared a PowerPoint highlighting the work of the Social Emotional Ad Hoc Committee. The purpose of the Committee was to select a tool that could be used during evaluations that was sensitive enough to pick up a social or emotional delay. Several tools were reviewed and the recommendation was to use the Devereux Early Childhood Assessment-Infant/Toddler (DECA-I/T) and the Attachment, Interaction, Mastery, Social Support Tool (AIMS) to be a supplemental tool as part of the assessment related to parent child observation.

The tools were piloted in six sites from August 2007 through January 2008. One site dropped out of the pilot due to staffing issues. The DECA-I/T alone identified 39 children who would not have been eligible for services with the IDA alone.

The conclusion reached was that the DECA-I/T was a usable tool across the pilot sites and was easy to score and understand. The results were able to be readily shared with families, it is sensitive to change, can show improvement, and provides standard deviation scores.

The AIMS, which is an observational tool, was used intermittently because it felt a bit too overwhelming. It was not clear that it assisted with identifying children with social emotional delays.

#### **Social Emotional Ad Hoc Committee recommendations:**

- The DECA-I/T along with the IDA (or other assessment tool) be utilized when evaluating infants and toddlers for *Early On* eligibility.
- *Early On* coordinators receive training on the DECA-I/T statewide and have access to technical assistance regarding the DECA-I/T and social emotional health.

**A motion was made by Mac Miller and supported by Laura Jensen Hunt to recommend the use of the DECA-I/T for evaluations and that the state develop a way to provide training to the field in order to use the tool effectively.**

#### **Discussion:**

A service provider expressed a concern about additional requirements, but likes it as a best practice tool.

The cost is minimal, and the Mental Health grant would pick up the cost of the training and the tools. None of the pilot sites reported that the DECA-I/T was a burden, but rather felt it was helpful.

Parent council members liked the idea of having this in place so more children would be identified with social or emotional delays.

Any instrument that produces accurate referrals is good. If a delay is identified at a younger age, and intervention begins, costs for mental health services may be less down the road.

MDE does not mandate a specific tool that ISDs must use. By offering trainings on how to implement the DECA-I/T, an additional resource would be available.

**Motion carried.**

**Public Comment:**

Recommend that Rich Van Tol be invited to be on the Budget Committee.

**Adjourn:**

**A motion to adjourn was made by Mac Miller.**

**Motion carried.**